

## **REMARKS**

The above Amendments and these Remarks are in response to the Office action mailed March 12, 2008. Applicant has amended claims 1, 8 and 10, and has canceled claim 9 without prejudice. No new matter is added. Claims 1-8 and 10 remain pending in the application.

Applicant appreciates Examiner's careful review and consideration of the present application.

### ***Claim Rejections Under 35 U.S.C. 102***

Claims 8 and 10 were rejected under 35 U.S.C. 102(b) as being unpatentable over Huang et al. (U.S. Patent No. 5,953,707, hereinafter referred to as "Huang").

### ***Claim Rejections Under 35 U.S.C. 103***

Claims 1-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Huang.

Claim 9 was rejected under 35 U.S.C. 103 (a) as being unpatentable over Huang in view of Heinz-Dieter Haustein (Upgrading Through Innovation: An Economic Challenge).

In response to the above rejections, Applicant has amended claim 1, 8 and 10 by including more limitations therein. Supports for the amendments can be found in at least paragraphs [0018] and [0019] of the present specification as originally filed.

Applicant respectfully requests reconsideration and removal of the rejections and allowance of claims 1-8 and 10, for at least the following reasons:

### **Claims 1-5**

Claim 1, as amended, recites in part:

"the performance calculating module is configured to *calculate daily, monthly, and yearly sales performances in accordance with sales records, the sales records*

***comprising sales return records and records on reselling of the sales returns, wherein the sales return records are reductions and the records on reselling of the sales returns are increases when calculating the sales performances.”***

Applicant submits that Huang does not disclose, teach, or otherwise suggest the invention having the above-highlighted features as set forth in amended claim 1.

On page 3 of the Office action, it is indicated that col. 18, lines 7-27 of Huang disclose or teach the feature “the performance calculating module is configured to calculate daily, monthly, and yearly sales performances in accordance with sales records.” Applicant respectfully disagrees. Applicant cannot find any description about this feature in col. 18, lines 7-27, nor in any other part of Huang.

In addition, Applicant submits that Huang also does not disclose or teach the features “the sales records comprises sales return records and records on reselling of the sales returns, wherein the sales return records are reductions and the records on reselling of the sales returns are increases when calculating the sales performances.”

On page 5 of the Office action, referring to the rejection to original claim 9, it is indicated that Heinz-Dieter Haustein teaches or suggests the features relating to “the sales return records are reductions and the records on reselling of the sales returns are increases when calculating the sales performances.” Applicant respectfully disagrees and traverses as follows. On page 3 of Heinz-Dieter Haustein, it is disclosed “[i]n this time upgrading means not only adding value to the product, but also later on subtracting value from the product.” Applicant acknowledges that Heinz-Dieter Haustein discloses “adding and subtracting”. Furthermore, Applicant also acknowledge that “adding and subtracting” is inherent in the prior art. However, Applicant submits that neither Heinz-Dieter Haustein nor the prior art discloses the feature of using “adding and subtracting” to calculate the sales performances, thus, this feature is patentably different from Heinz-Dieter Haustein and the prior art.

Accordingly, Applicant submits that neither Huang nor any combination of Huang and Heinz-Dieter Haustein teaches or suggests the features of “the performance

calculating module is configured to *calculate daily, monthly, and yearly sales performances in accordance with sales records, the sales records comprising sales return records and records on reselling of the sales returns, wherein the sales return records are reductions and the records on reselling of the sales returns are increases when calculating the sales performances,*” as recited in amended claim 1 of the present application.

In addition, claim 1, as amended, recites in part:

“the performance analyzing module is configured to *analyze the sales performances relating to customers, products, sales departments, sales representative and channels of distribution* in accordance with data stored in daily performance records, statistical performance records and planning performance records.”

Applicant submits that Huang does not disclose, teach, or otherwise suggest the invention having the above-highlighted features as set forth in amended claim 1.

Huang discloses “the models developed for analyzing the effects of sales promotions will also be applicable in understanding the effects of the special events in the defense setting” (col. 53, lines 54-56). Applicant acknowledges that Huang discloses a feature of “analyzing the effects of sales promotions,” however, in amended claim 1 of the present application, the performance analyzing module analyzes the sales performances relating to customers, products, sales departments, sales representative and channels of distribution. Thus, Applicant submits that the features analyzed in Huang and the features analyzed in claim 1 of the present application are patentably different. Thus, it can be inferred that methods for analyzing the effects of sales promotions in Huang and method for analyzing the sales performances in claim 1 of the present application must be patentably different.

Accordingly, Applicant submits that Huang does not teach or suggest the feature of “the performance analyzing module is configured to *analyze the sales performances relating to customers, products, sales departments, sales representative and channels of distribution in accordance with data stored in daily performance records, statistical*

*performance records and planning performance records,”* as recited in amended claim 1 of the present application.

For at least the reasons above, Applicant submits that Huang does not disclose, teach, or suggest the invention having the above-described features, as currently set forth in amended claim 1. Accordingly, amended claim 1 is unobvious and patentable over Huang under 35 U.S.C. § 103 (a).

Claims 2-7 depend from independent claim 1, and respectively recite additional subject matter. Therefore, Applicant submits that claims 2-7 are also allowable.

#### **Claims 8-9**

Claim 8, as amended, recites in part:

*“calculating daily sales performances in accordance with sales records by subtracting values of the sales records from total values of products of daily performances records if the sales records are sales return record, and adding values of the sales records to the total values of products of the daily performances records if the sales record is are records in reselling of sales returns, and storing the daily sales performances in the daily performance records;*

*calculating monthly and yearly sales performances in accordance with data stored in the daily performance records, and storing the monthly and yearly sales performances in statistical performance records; [and]*

*analyzing sales performances relating to customers, products, sales departments, sales representative and channels of distribution in accordance with data stored in the daily performance records, the statistical performance records, and the planning performance records.”*

For at least reasons similar and corresponding to those asserted above in relation to amended claim 1, Applicant submits that Huang does not disclose, teach, or even suggest the invention having the above-described features, as currently set forth in

amended claim 8. Accordingly, amended claim 8 is not only novel under 35 U.S.C. § 102(b) over Huang, but also unobvious and patentable under 35 U.S.C. § 103 over Huang. Reconsideration and removal of the rejection and allowance of amended claim 8 are requested.

Since Applicant has canceled claim 9 without prejudice, the rejection relating thereto is now moot.

**Claim 10**

Claim 10, as amended, recites in part:

*“calculating daily sales performances in accordance with sales records by subtracting values of the sales records from total values of products of daily performances records if the sales records are sales return record, and adding values of the sales records to the total values of products of the daily performances records if the sales record is are records in reselling of sales returns, and storing the daily sales performances in the daily performance records;*

*calculating monthly and yearly sales performances in accordance with data stored in the daily performance records, and storing the monthly and yearly sales performances in statistical performance records; [and]*

*analyzing sales performances relating to customers, products, sales departments, sales representative and channels of distribution in accordance with data stored in at least one of the daily performance records and the statistical performance records.”*

For at least reasons similar and corresponding to those asserted above in relation to amended claim 1, Applicant submits that Huang does not disclose, teach, or suggest the invention having the above-described features, as currently set forth in amended claim 10. Accordingly, amended claim 10 is not only novel under 35 U.S.C. § 102(b) over Huang, but also unobvious and patentable under 35 U.S.C. § 103 over Huang. Reconsideration and removal of the rejection and allowance of amended claim 10 are requested.

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## CONCLUSION

Applicant submits that the foregoing Amendment and Response place this application in condition for allowance. If Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call the undersigned at 714.626.1224.

Respectfully submitted,  
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